

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-10/08-474  
 )  
 Appeal of )

## INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Department, terminating her eligibility for Reach Up Financial Assistance (RUFA) benefits. The Department determined that petitioner was over-income for RUFA benefits after the father of her youngest child moved into the household. The issue is whether the Department can deem his income to the household.

The material facts are not in dispute. The parties have briefed the underlying issue.

## FINDINGS OF FACT

1. The petitioner is the mother of three minor children. Her youngest (third) child was born on August 15, 2008. Prior to her youngest child's birth, petitioner received a three person RUFA grant from the Department. The third child has a different father than her older two half-siblings.

2. L.P. is the father of the third child. On or about September 1, 2008, L.P. moved into the petitioner's

household. The petitioner timely reported this information to the Department.

3. The Department sought verification of L.P.'s employment and income. L.P. is employed full-time as a roofer and earns \$13.00 per hour or gross monthly wages of \$2,236.

4. On September 30, 2008, the Department sent petitioner a notice that her RUFA benefits would terminate October 15, 2008 because her household was over-income for a five person household. The Department applied the earned income deduction to L.P.'s gross monthly wages leaving countable monthly income of \$1,527.00; this amount is more than the monthly benefit level of \$886.35 for a five person household. Petitioner appealed this decision on October 14, 2008 and is receiving continuing benefits.

5. Petitioner explained that L.P. contributes \$400 per month to help with Lily's share of the expenses. He purchased a used car for petitioner and helps in the household. According to petitioner, they are no longer a couple. She is seeking a grant for herself and the two older children.

ORDER

The Department's decision is affirmed.

REASONS

After the petitioner reported that her youngest child's father moved into her home, the Department reassessed her continuing eligibility for RUFA benefits. Part of the reassessment is a determination of the household composition.

An assistance group is defined at W.A.M. § 2242 as:

. . . one or more individuals whose requirements, income, and resources are considered as a unit to determine need for financial assistance.

A Reach Up assistance group must include one or more eligible dependent children. In addition, the assistance group must include all siblings, including half-siblings, living with the dependent child or children and qualifying under the age criteria, as defined in policy. A parent must be included in the assistance group if the parent lives in the home with a child included with the assistance group.

The operative factor is keeping the children together within the assistance group. The state regulation is consistent with the federal regulations, specifically 45 C.F.R. § 206.10(a)(1)(vii)(B) which includes any blood-related brother or sister in the assistance unit.

Petitioner's assistance group became a five person household once L.P. moved into petitioner's home because the siblings cannot be separated into two separate households within one home under the RUFA program. If L.P. was not

employed, they would have qualified for a full RUFA grant based on their household size.

The Board addressed a similar situation in Fair Hearing No. 13,744 under an earlier version of W.A.M. § 2242. In that case a male partner lived with a woman and her two children. The woman and her children received an ANFC grant.<sup>1</sup> The two adults had a child together. The father and the common child were added to the petitioner's ANFC household. He was not employed; the family was eligible for a five person grant. Once he became employed, his income was factored into the grant calculations resulting in a decreased grant. At that time, there were three assistance groups in the ANFC program. The petitioner's ANFC group was covered by the language now found in W.A.M. § 2422. The Board concluded that the father needed to be included in the household and his income counted in calculating eligibility based on the language in the regulation.

Since the Department's decision is consistent with the regulations, the Department's decision is affirmed. 3 V.S.A. § 3091(d); Fair Hearing Rule 1000.4(D).

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<sup>1</sup> ANFC (Aid to Needy Families with Children) is the precursor of RUFA.